IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 4285/2003

GHANSHYAM LAL JAIN Vs. STATE OF RAJASTHAN & ORS.

DATE: 06.12.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. A.K. Bajpai for the petitioner.
Mr. B.S. Chhaba, Dy. GA for the State.

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Brief facts of the case are that the petitioner is in occupation and possession of the shop No. 244/4, Chaugan Bazar, Bundi. A lease agreement was executed between the Public Works Department as Lessor and the father of the petitioner Kajodi Lal as Lessee for the aforesaid shop. In the year 1942-43, rent was charged @ Rs. 5.50 per month which was revised on 05.04.1951 as Rs. 18/- per month and thereafter the same was also revised from time to time.

In the year 1977, the respondent No.1 passed an order dated 26.08.1977 under which it was decided to dispose of the shops which were under tenancy of the respective tenants. The petitioner's father in reply to the above letter informed the respondent No.2 on 12.09.77 that he is ready and willing to purchase the above shop

No. 244/4 and consideration of the shop would be paid by him in installments. The first installment shall be of 1/4th of the price of the shop and subsequently a representation was also made by the petitioner to this effect and the total rent due was determined as Rs. 55,738/- and the price of the shop to the tune of RS. 85,928/- and in all Rs. 1,41,666/- were required to be deposited by the petitioner's father, but somehow or other, ultimately vide order dated 16.12.2002, the respondent PWD demanded Rs. 4,80,454/-, for which the petitioner again willing to purchase the same subject to condition of determination of the rent and other shops have been given to the tenants by the PWD but for the shop in question the respondents have not executed conveyance deed in favour of the petitioner after taking actual price and arrears of rent of the shop in question, therefore, this writ petition has been preferred by the petitioner seeking writ, order or direction to the respondents to execute a conveyance deed after determination of the rent.

The respondents in their reply have submitted that now the market value of the shop in question has been raised and at present the shop is question is worth Rs. 11,72,529/-, which has been opposed by the petitioner by way of filing document to show that the

similarly situated shops has been disposed of on the consideration of Rs. 2,12,206/- to one Shri Suresh Kumar S/o Nihachal Das and the petitioner is still willing to purchase the shop, but the respondents shall consider the price in view of the price charged against other shops which are also situated in same market i.e. Chaugan Bazar, Bundi.

Since no adverse order has been passed and the petitioner has preferred this writ petition seeking writ of mandamus after serving notice for demand of justice to direct the respondents to execute a sale deed in favour of the petitioner after determination of the actual price, in the considered view, this Court do not want to interfere in such matters. The petitioner is at liberty to represent before the respondents and on such eventuality, the respondents can consider the same for charging the price which has been charged from the other occupants of other shops in same market i.e. Chaugan Bazar, Bundi, but in any case, this Court do not want to issue any writ, order or direction.

Consequently, the writ petition fails being premature and the same is hereby dismissed.

The stay application also stands dismissed.

(K.S. RATHORE),J.

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